

**Via Email and US Mail
Personal and Confidential**

April 17, 2014

Secretariat:
3750 Market Street
Philadelphia, PA 19104
(215) 590-9500
Fax: (215) 590-9470
www.usmle.org

Richard Katz
3364 Parker Lane
East Stroudsburg, PA 18301

USMLE ID: 0-631-475-1

Email: cat2400@msn.com

Dear Dr. Katz:

I am in receipt of your letter and supporting documents, received by the Educational Commission for Foreign Medical Graduates (ECFMG), dated April 1, 2014.

With respect to your request for an exception to the USMLE policy that limits the number of attempts on the Step and Step components, the imposition of the attempt limit was widely disseminated well ahead of the implementation date through USMLE and ECFMG publications.

Additionally, individuals, such as yourself, who already had prior USMLE exam attempts, were given an additional one year, until January 1, 2013, beyond the effective date of January 1, 2012 for new examinees. While your dedication to the field of medicine is admirable, your request for an additional attempt at Step 1 cannot be granted. However, you do remain eligible to take Step 2 CK and Step 2 CS.

According to the USMLE *Bulletin of Information*, the only exception to this policy identified by the USMLE Composite Committee (the governing body of the USMLE program) involves state medical boards. The policy includes a provision to allow examinees who have six or more attempts at a Step or component to have an additional attempt if so requested by a state medical board that is fully informed of the individual's prior examination history.

If you have any questions or need additional information, please call me at (215) 590-9877 or e-mail me at USMLESec@nbme.org.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amy Buono".

Amy Buono
Office of the USMLE Secretariat

A Joint Program of the Federation of State Medical Boards of the U.S., Inc. and the National Board of Medical Examiners®



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Richard Katz response to National of Board Of Medical Examiners Disability Services email dated April 8, 2014

From: cat2400@msn.com

To: disabilityservices@nbme.org

Subject: RE: Test Accommodations

Date: Sun, 20 Apr 2014 20:21:21 -0400

Dear Disability Services:

The issue at hand is the fact that the Office of the USMLE Secretariat is NOT granting me another attempt at USMLE Step I. Because of this, a written formal request for test accommodations is not possible at this time (albeit I still have attempts left for USMLE Step 2 CK as well USMLE Step 2 CS). It would prove to be futile if I am not eligible to sit for USMLE Step I as I will never be granted the opportunity to be licensed in the United States without USMLE Step I (even if I were successful at Step 2 CS & CK).

You state in your email the following; "The United States Medical Licensing Examination (USMLE) Program provides reasonable and appropriate accommodations in accordance with the Americans with Disabilities Act for individuals with documented disabilities who demonstrate a need for accommodation."

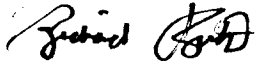
I don't fully agree with the above statement as I am currently subject to a catch22 situation. I provided reasonable and appropriate documentation warranting accommodations for my disability for USMLE Step I as well as USMLE Step 2 CS and CK, however it appears to be pointless from a medical licensing perspective if I am no longer able to sit for USMLE Step I. You see even if I were to be granted accommodations for Step 2 CS and Step 2 CK due to my disability and happen to get a passing score on these exams I am still no longer eligible to sit for USMLE Step I based on the Six Attempt Limit Rule. My interpretation based on The Office of USMLE Secretariat letter dated April 17th 2014 (see attached) is that the Office of the USMLE Secretariat is focusing on the *policy* of The Six Attempt Limit Rule outside the parameters of any documented disability. Because of the way the policy is structured, it puts an individual in my current situation in a quagmire because NBME Disability Services can not process a request for Test accommodations for USMLE Step I without the formal request. And a formal request can not be submitted without successfully registering for USMLE Step I.

So, because the Office of The USMLE Secretariat is not granting me another attempt at Step I due to the Six Attempt Limit Rule NBME Disability Services will have my file for Test Accommodations for Step I on perpetual hold as the ECFMG website currently is restricting me from registering for USMLE Step I.

I am aware that the Six Attempt Limit Rule is a rule that was instituted by the USMLE Organization and

was not instituted by NBME nor ECFMG, if this is the case than maybe Disability Services should be a function of the Office of USMLE Secretariat, because my disability was never acknowledged as a factor in their April 17, 2014 letter. Moreover, the only acknowledgement that I received from NBME regarding the detailed documentation of my disability is that my file will be kept on hold until NBME disability services receives a formal request for a Step I exam that I am no longer able to register for. I believe that there is currently a flaw somewhere in the USMLE policy since instituting the Six Attempt Limit Rule for an individual such as myself and this policy may warrant revision at this time.

Best regards,



Richard Katz
USMLE ID 0-631-475-1

> From: disabilityservices@nbme.org
> Subject: Test Accommodations
> To: cat2400@msn.com
> Date: Tue, 8 Apr 2014 09:49:42 -0400

>
> Dear Mr. Katz,

>
> We have received material on your behalf pertaining to test accommodations for the USMLE; however, we have not yet received your formal request. Since we have not received a written request for test accommodations directly from you, we cannot take any action based on the information you have submitted. Your paperwork will remain in a pending status until a request is received.

>
> The United States Medical Licensing Examination (USMLE) Program provides reasonable and appropriate accommodations in accordance with the Americans with Disabilities Act for individuals with documented disabilities who demonstrate a need for accommodation. If you would like to request test accommodations for your Step exam please submit a request for testing accommodations.

>
> Guidelines to request test accommodations and all appropriate forms may be accessed on the USMLE website at www.usmle.org. If you have any questions, please contact the office of

* Defendant Never Responded *

Disability Services at 215-590-9700.

>

> Sincerely,

>

> Disability Services

> National Board of Medical Examiners

> 3750 Market Street

> Philadelphia, PA 19104

>

> Phone: 215-590-9700

> Fax: 215-590-9422

> Email: disabilityservices@nbme.org <<mailto:malbrecht@nbme.org>>

>

>

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** Defendant Never Responded **



EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

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April 9, 2014

Dr. Richard Katz
3364 Parker Lane
East Stroudsburg, PA 18301

Re: USMLE®/ECFMG® ID No. 0-631-475-1

Dear Dr. Katz:

Emmanuel G. Cassimatis, M.D., President and Chief Executive Officer of the Educational Commission for Foreign Medical Graduates (ECFMG), has forwarded your April 1, 2014 letter to me for response.

In your letter, you ask that you be permitted an additional attempt on the United States Medical Licensing Examination® (USMLE) Step 1 beyond the maximum six attempts currently allowed by the USMLE Program.

Kindly note that this attempt limit is a USMLE policy, not an ECFMG policy. Current USMLE policy is, "An examinee is ineligible to take a Step or Step Component if the examinee has made six or more prior attempts to pass that Step or Step Component, including incomplete attempts."

Since you are requesting an exception to a USMLE policy, I am referring your letter to the Office of the USMLE Secretariat, which will consider and respond to your request.

If you have any questions or need additional information, please write to me at the above address, e-mail me at kboyden@ecfm.org, or telephone me at (215) 823-2107.

Sincerely,

A handwritten signature in black ink, appearing to read "Kon Boyden".

Kon Boyden, J.D., Ed.D.
Vice President for Operations

cc: Emmanuel G. Cassimatis, M.D.